

KENNETH ANTHONY COLLINS,
Plaintiff,
v.
SULLIVAN COUNTY, TENNESSEE, *et*
al.,
Defendant.

Judge Atchley

Magistrate Judge Wyrick

On August 18, 2021, United States Magistrate Judge Cynthia Wyrick filed a Report and Recommendation [Doc. 3] pursuant to 28 U.S.C. § 636 and the standing orders of this Court. Magistrate Judge Wyrick recommends that (1) Plaintiff's claims against Officers Peters and Palekakis in their individual capacities be permitted to proceed beyond the PLRA screening stage and that process be issued as to those claims; (2) Plaintiff's claims against Sullivan County and Officers Peters and Palekakis in their official capacities be dismissed as Plaintiff has failed to set forth facts sufficient to state a claim on which relief may be granted; and (3) Plaintiff be required to file an amended complaint before process is issued wherein Plaintiff asserts only those claims permitted to proceed beyond the PLRA screening stage and requesting only such relief as this Court has the authority to grant. [Doc. 3 at 12]. The parties have not filed any objections to the Report and Recommendation and the time to do so has passed.¹ Nevertheless, the Court has

Case 2:21-cv-00088-CEA-CRW Document 4 Filed 09/13/21 Page 1 of 2 PageID #: 35

reviewed the Report and Recommendation, as well as the record in this case, and agrees with Magistrate Judge Wyrick's well-reasoned conclusions.

Accordingly, the Court **ACCEPTS** and **ADOPTS** the findings of fact and conclusions of law set forth in the Report and Recommendation [Doc. 3]. It is hereby **ORDERED**:

1. Plaintiff's claims against Sullivan County and Officers Peters and Palekakis in their official capacities are **DISMISSED**;
2. Plaintiff's claims against Officers Peters and Palekakis in their individual capacities may **PROCEED** beyond the PLRA screening stage;
3. Plaintiff **SHALL FILE** an amended complaint **on or before October 26, 2021** asserting only those claims permitted to proceed beyond the PLRA screen stage and requesting only such relief as this Court has the authority to grant; and
4. Process **SHALL BE ISSUED** as to Plaintiff's remaining claims after an amended complaint is filed in accordance with this Order.

SO ORDERED.

/s/ Charles E. Atchley Jr.

CHARLES E. ATCHLEY JR.

UNITED STATES DISTRICT JUDGE